

S. B. No. 562, A bill to be entitled "An Act making an appropriation to compensate John W. Hornsby for legal services rendered the State of Texas in the case of the State of Texas vs. Hoffman Construction Company, No. 42197, in the District Court of Travis County, Fifty-third Judicial District, in which case judgment was obtained for the State against the defendant for the sum of \$412,000.00 and costs of suit; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

POLLARD, Chairman.

By Senators Small, S. B. No. 562. Gaines, Moore, Parrish, Westbrook, Hyer, Williamson, Russek, Patton, Hardin, Cousins, Cunningham, Love, Woodward, Greer, Berkeley, Holbrook, Stevenson, Beck, Pollard, Martin, Parr, Wirtz, Woodul.

#### A BILL

##### To Be Entitled

An Act making an appropriation to compensate John W. Hornsby for legal services, together with interest on the amount due, said services having been rendered the State of Texas in the case of State of Texas vs. Hoffman Construction Company, No. 42197 in the District Court of Travis County, 53rd Judicial District, in which case judgment was obtained for the State against the defendant for the sum of \$412,000.00 and costs of suit; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the State Treasury, the sum of \$10,000.00, with 6% interest from December 6, 1926, to compensate John W. Hornsby for legal services rendered the State of Texas in the case of the State of Texas versus Hoffman Construction Company, No. 42197, in the District Court of Travis County, 53rd Judicial District, wherein judgment was recovered and collected in the sum of \$412,000.00, the said John W. Hornsby having been county attorney at the time of said suit and having joined in the suit as such county attorney for the State of Texas, and

rendered legal services by actively participating in the trial of said suit from beginning to final judgment.

Sec. 2. The fact that the State of Texas recovered judgment in the above mentioned case for a very large sum of money and the said John W. Hornsby was county attorney at the time and joined in the suit as such at the request of Honorable Dan Moody, Attorney General of Texas, together with the further fact that the laws of this State allow County Attorneys 10% on the first \$1,000.00 and 5% on all monies over that sum collected for the State of Texas by suit or otherwise, and whereas, the State of Texas under the law based on such percentages owes the said John W. Hornsby a sum exceeding twice as much as the amount herein appropriated, and whereas, the said John W. Hornsby has received no compensation whatever for his services in said case, therefore an emergency and an imperative public necessity are created for the suspension of the constitutional rule requiring bills to be read on three several days in each House and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

#### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, Feb. 21, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Neal.

**Prayer by the Chaplain.**

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

**By Senator Stevenson:**

S. B. No. 573, A bill to be entitled "An Act to amend Section 4, Chapter 61, Local and Special Laws of the State of Texas, passed at the first called session of the Thirty-seventh Legislature, defining the powers of the Board of Trustees of the Taft Independent School District, and the manner in which such taxes as may be necessary for the maintenance of its schools, for the purchase of building sites, erection and repair of buildings, and for paying interest and providing a sinking fund on the bonds for which said district may be liable, shall be assessed and collected, so as to provide that the Board of Trustees of said district shall have the power to appoint an assessor and collector of taxes for said district, and a board of equalization therefor."

The bill was read first time and referred to Committee on Educational Affairs.

**By Senator Greer.**

S. B. No. 574, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of Teachers' Institutes; prescribing the duties of said supervisor; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

**By Williamson.**

S. B. No. 575, A bill to be entitled "An Act granting to the Gulf and West Texas Railroad Company two years from and after August 13, 1930, in which to begin the construction of its railroad between San Angelo, Texas and San Antonio,

Texas, and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

**By Senator Woodul:**

S. B. No. 576, A bill to be entitled "An Act to validate extension of corporate limits under Article 1175 R. S. 1925 of cities having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preceding Federal Census, and to validate all proceedings, actions and contracts taken or made in pursuance thereof, and declaring an emergency."

The bill was read first time and referred to Committee on Towns and City Corporations.

**By Senator Woodul:**

S. B. No. 577, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State which have adopted or amended charters or attempted to adopt or amend charters since the enactment of Chapter 147, General Laws of the Regular Session of the 33rd Legislature of the State of Texas of 1913, and validating all proceedings had, done or performed by City Councils or City Commissions or other governing authority of said cities in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

The bill was read first time and referred to Committee on Towns and City Corporations.

**By Senator Small.**

S. B. No. 578, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas, and Oklahoma, executed on the 31st day of December, 1926, by the Commissioners of said States, which ratification and adoption is made subject to certain conditions; and declaring an emergency."

The bill was read first time and referred to Committee on Mining, Irrigation and Drainage.

**By Senator DeBerry:**

S. B. No. 579, A bill to be entitled "An Act repealing certain Sections of the local road law of Franklin County, Texas; amending Sections 8

and 10 of said local road law; said local road law and this Act relating to the public roads of said county and regulating the construction and maintenance of same; and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parr.

S. B. No. 580, A bill to be entitled "An Act creating Brownsville Navigation District of Cameron County, Texas, to be governed by the provisions of Section 59, Article 16 of the Constitution, and by Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its regular session in 1925, relating to Navigation Districts, except as herein otherwise provided, and defining its boundaries; providing that the management and control of said District shall be vested in a Board of Navigation and Canal Commissioners composed of three persons; validating the appointment of the present Commissioners of said District; providing for an election on the first Tuesday in December, 1930, and every even year thereafter, for the election of three Navigation and Canal Commissioners for such District, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Mining, Irrigation, and Drainage.

By Senator Holbrook.

S. B. No. 581, A bill to be entitled "An Act authorizing certain cities and counties to acquire and maintain and operate air ports; limiting the amounts of land which may be acquired or held for such purpose; providing for the necessary funds for such purpose; providing regulations for the operation, maintenance and support of such air ports; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, maintenance, and operation of said air ports; and declaring an emergency."

The bill was read first time and referred to Committee on Town and City Corporations.

By Senator Parrish:

S. B. No. 582, A bill to be entitled "An Act to authorize organized

counties in this State which were unorganized at the time of taking the next preceding United States Census, and which had a population of less than one hundred at the time of said United States Census, to refund the legally outstanding warrants and scrip indebtedness of such counties incurred prior to January 1st, 1929; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Wirtz:

S. B. No. 583, A bill to be entitled "An Act amending Article 2189 of the Revised Civil Statutes of 1925 to provide more fully the method and form of submitting causes upon special issues, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 584, A bill to be entitled "An Act exempting from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided, that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women, operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter

be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions of purely public charity, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

#### Bills Signed.

The Chair Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 20.	H. B. No. 624.
H. B. No. 443.	H. B. No. 538.
H. B. No. 473.	H. B. No. 106.
H. B. No. 556.	H. B. No. 319.
H. B. No. 562.	H. B. No. 16.
H. B. No. 583.	H. B. No. 26.
H. B. No. 506.	H. B. No. 340.
H. B. No. 633.	H. B. No. 383.

#### Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Senator Hyer:

S. B. No. 74, A bill to be entitled "An Act to amend Article 460A of the Revised Civil Statutes of the State of Texas adopted at the regular session of the Thirty-eighth Legislature, 1925, so as to provide that persons who desire to marry shall procure a license from the county clerk directed to all persons authorized by law to celebrate the rites of matrimony; providing that the county clerk at the time the license is applied for shall examine the applicant or applicants for the license under oath, as to age and residence, which shall be reduced to writing by the county clerk and subscribed to by the applicant or applicants and providing in case either

party is absent when application is made an affidavit shall be made by person other than the contracting party as to age and residence of the absent party; providing for the filing of said affidavit in the county clerk's office; providing that application for license shall be made at least three and not more than thirty days before the license shall be issued; providing for the recording of applications for license by the county clerk in a book kept for the purpose and marked "Notice of Intention to Marry"; and providing that after the expiration of three nor more than thirty days after the signing of the notice of intention to marry the county clerk may issue said license, and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 21, A resolution "Allowing the Land Commissioner to open his office to the Special Land Investigating Committee Friday, February 22, 1929."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 49 by a vote of 97 yeas and 4 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Love:

S. B. No. 26, A bill to be entitled

"An Act providing additional compensation for the chief deputy clerk for the Courts of Civil Appeals of this State to be paid from fees collected by the clerks of said courts, and declaring an emergency."

With amendments.

By Senator Witt, et al:

S. B. No. 73, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to acquire, operate and manage seven boys dormitories at the University of Texas, and to furnish and equip the same, and dining hall building in connection therewith; authorizing said regents to prescribe plans and specifications not inconsistent herewith, and to accept said buildings when completed without cost to the State of Texas; authorizing said regents to make contracts with reference to the acquisition, management, and control of said buildings, and appropriating the sum of one hundred and fifty thousand (\$150,000) dollars with which to purchase furniture, fixtures, and appointments therefor, and declaring an emergency."

With amendments:

By Senator Williamson:

S. B. No. 75, A bill to be entitled "An Act to amend Articles 4513, 4514, 4516, and 4523, Chapter Seven, Revised Statutes of Texas of 1925, providing for the appointment of a Board of Nurse Examiners; prescribing their qualifications and duties; providing how meetings of said Board shall be called; providing for the appointment of an Educational Secretary and prescribing her qualifications and duties; and providing for the issuance of temporary permits to graduate nurses under certain conditions, and prescribing the fee to be paid therefor."

By Senator Woodul:

S. B. No. 80, A bill to be entitled "An Act to amend Article 2095, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas of 1925, so such article shall provide for the compiling of jury cards for the jury wheel in counties of over one hundred fifty thousand population, placing such compiling under the supervision of the district clerk and providing funds for em-

ployment of typists for compiling, and other expenses necessary."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 21.

The Chair laid before the Senate, on first reading the following resolution:

H. C. R. No. 21, A resolution "Allowing the Land Commissioner to open his office to the Special Land Investigating Committee Friday, February 22, 1929."

The resolution was read and adopted.

#### Free Conference Requested.

Senator Hyer moved that the Senate refuse to concur in the House amendments to S. B. No. 74 and request a Free Conference Committee.

The motion prevailed.

The Chair announced the appointment of the following on the part of the Senate:

Senators Hyer, Beck, Hardin, Hornsby and Russek.

#### H. J. R. No. 7.

The Chair laid before the Senate, on third reading, the following resolution:

By Mr. Petsch:

H. J. R. No. 7, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution and making appropriation therefor.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 75.**

The Chair laid before the Senate, on third reading, the following bill:

By Mr. Prendergast:

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Court of Civil Appeals, and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925."

The bill was read third time and finally passed.

**House Bill No. 84.**

The Chair laid before the Senate, on third reading, the following bill:

By Mr. Prendergast:

H. B. No. 84, A bill to be entitled "An Act forbidding drinking of intoxicating liquor on any common carrier, and to amend Article 478 of the Criminal Code."

The bill was read third time and finally passed.

**House Bill No. 163.**

The Chair laid before the Senate, the following bill:

By Mr. Chastain, Mr. Gilbert and Mr. Loy:

H. B. No. 163, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts, so as to make said article apply in any county having a population of at least 58,000, or having therein a city containing a population of at least 20,000 as shown by the preceding Federal census."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 163 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.

Martin.  
McFarlane.  
Miller.  
Moore.  
Parr.  
Parrish.  
Patton.  
Pollard.  
Russek.

Small.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Witt.  
Woodul.  
Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

**House Bill No. 413.**

The Chair laid before the Senate, on second reading the following bill:

By Mr. Hines and Mr. Simmons:

H. B. No. 413, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 413 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Berkeley.
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Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 7.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Tillotson:

H. B. No. 7, A bill to be entitled "An Act to provide authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the Commission and of the counties therewith; and providing authority to county commissioners courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the duties of the commissioners court therewith."

The bill was read second time and passed to third reading.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 7 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 92.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Sherrill:

H. B. No. 92, A bill to be entitled "An Act making it lawful for the commissioners' courts of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals."

Read second time.

Senator Cunningham sent up the following amendment:

Amend H. B. No. 92 by adding Taylor county to the counties named therein. Amend the caption to conform to this amendment.

CUNNINGHAM.

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 92 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.

Martin.	Small.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### House Bill No. 180.

The Chair laid before the Senate on second reading the following bill:

By Mr. Harmon:

H. B. No. 180, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature, by adding to said Article 1302 a new subdivision to be known as Subdivision 91; providing for incorporation for the establishment, support, and maintenance of automobile clubs for the mutual benefit and protection of automobile operators with power to acquire and own all property incident to such business."

The bill was read second time and passed to third reading.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 180 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### House Bill No. 222.

The Chair laid before the Senate on second reading the following bill:

By Mr. Mullally:

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the regular session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county, in which there is situated a city of twenty-eight thousand population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to provide



for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of twenty-two thousand five hundred population or over, according to the last preceding United States census or any United States census which may hereafter be taken, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 222 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Nays— 2.

Greer. McFarlane.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Nays— 4.

DeBerry. McFarlane.  
Greer. Pollard.

Absent—Excused.

Neal.

### House Bill No. 216.

The Chair laid before the Senate on second reading the following bill:  
By Mr. Hornaday (by request):

H. B. No. 216, A bill to be entitled "An Act to validate all school districts created under Chapter 84 of the Acts of the first called session of the Fortieth Legislature in 1927; and particularly all independent school districts created under and by virtue of Section 5 of said Act."

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 216 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 161.**

The Chair laid before the Senate on third reading the following bill:

By Mr. Chastain, Mr. Gilbert and Mr. Loy:

H. B. No. 161, A bill to be entitled "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal census."

The bill was read third time.

Senator Woodward received unanimous consent to withdraw the following amendments which were adopted yesterday:

Amendment No. 1: Amend House Bill 161 in Section One by striking out the words "fifty-eight thousand" wherever same appears, and inserting in lieu thereof the words "forty-three thousand five hundred."

Amendment No. 2: Amend the caption to House Bill 161 by striking out the words "fifty-eight thousand" and inserting in lieu thereof the words "forty-three thousand five hundred."

The bill was finally passed by the following vote:

**Yeas—30.**

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Neal.

**House Bill No. 455.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Jones:

H. B. No. 455, A bill to be entitled "An Act to create LaSalle County water improvement district No. 1,

embracing lands in the county of LaSalle, in the State of Texas, as a water improvement district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries."

The rule requiring Committee reports to lie over one day was suspended by unanimous consent.

The Committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 455 was put on its second reading by the following vote:

**Yeas—30.**

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Neal.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 455 was put on its third reading and final passage, by the following vote:

**Yeas—30.**

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—30.**

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Neal.

**House Bill No. 458**

The Chair laid before the Senate on second reading the following bill:

By Mr. Hornaday:

H. B. No. 458, A bill to be entitled "An Act to create La Feria water control and improvement district, Cameron county number three (3) in Cameron county, Texas, etc., and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 458 was put on its second reading, by the following vote:

**Yeas—30.**

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.

Wirtz.  
Witt.Woodul.  
Woodward.**Absent—Excused.**

Neal.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 458 was put on its third reading and final passage, by the following vote:

**Yeas—30.**

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed.

**Motion to Take Up S. B. No. 476.**

Senator Pollard moved to take up out of its regular order S. B. No. 476.

Senator McFarlane raised the point of order that a special order could not be displaced by such a motion. The point of order was overruled.

Senator Love moved the previous question on the motion. The previous question was ordered by the following vote:

**Yeas—23.**

Beck.	Martin.
Berkeley.	Moore.
Cunningham.	Parr.
Gainer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.

Westbrook.  
Williamson.  
Witt.

Woodul.  
Woodward.

Nays—5.

Cousins.  
DeBerry.  
McFarlane.

Miller.  
Wirtz.

Absent.

Greer.

Russek.

Absent—Excused.

Neal.

The motion prevailed by the following vote:

Yeas—26.

Beck.  
Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Gainer.  
Hardin.  
Holbrook.  
Hornsby.  
Hyer.  
Love.  
Martin.  
Moore.

Parr.  
Parrish.  
Patton.  
Pollard.  
Small.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Witt.  
Woodul.  
Woodward.

Nays—2.

McFarlane.

Miller.

Absent.

Greer.

Russek.

Absent—Excused.

Neal.

**S. C. R. No. 30.**

Senator Parr sent up the following resolution:

Whereas, H. B. No. 222 was passed by the Senate today, and

Whereas, An amendment was pending and the record does not show that the amendment was adopted, therefore be it

Resolved, That the House be requested to return H. B. No. 222 for further consideration.

The resolution was read and adopted.

### Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 81, A bill to be entitled "An Act protecting State banks and National banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

With amendments.

H. B. No. 653, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas, as passed by the regular session of the Thirty-ninth Legislature, as amended by Chapter 107 of the General Laws of the State of Texas, passed by the first called session of the Fortieth Legislature, in so far as such chapters apply to counties having a population of not less than 10,000 nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such acts in counties having a population as above stated; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 30—Requesting the return of H. B. No. 222 from the House to the Senate for further consideration.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

By Senator Love:

S. B. No. 54, A bill to be entitled  
"An Act to amend Article 2963 of  
Chapter 5, Title 50, of the Revised  
Civil Statutes of 1925, so as to al-  
low the mailing of poll tax receipts  
in certain cases, and providing for  
the mailing of poll tax receipts to  
persons in cities of ten thousand in-  
habitants and more where the poll  
tax payer pays his property and poll  
tax by check or money order."

With amendments.

By Mr. Adkins:

H. B. No. 137, A bill to be entitled  
"An Act providing for the catching  
of sucker fish in the streams of  
Gin and Glade creeks, in Upshur  
county, Texas."

By Mr. Sanders:

H. B. No. 313, A bill to be entitled  
"An Act declaring certain fur-bear-  
ing animals the property of the  
State of Texas, such as wild beaver,  
wild otter, wild fox, wild raccoon,  
wild badger, wild mink, wild ring-  
tail cat, wild polecat, or skunk, wild  
opossum and wild civet cat, and  
protecting the same, etc., and declar-  
ing an emergency."

By Mr. Ewing and Mr. Metcalfe:

H. B. No. 699, A bill to be entitled  
"An Act creating a more efficient  
road system for Robertson county,  
Texas; vesting the commissioners  
court with authority to lay out,  
drain, repair and maintain such sys-  
tem of roads and make contracts  
therefor."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Concur.

On motion of Senator Woodul,  
the Senate voted to concur in the  
House amendments to S. B. No. 81.

#### Recess.

On motion of Senator Miller, the  
Senate, at 12:10 p. m., recessed un-  
til 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p.

m., pursuant to recess, and was  
called to order by Lieutenant Gov-  
ernor Barry Miller.

#### Senate Bill No. 476.

The question recurred upon the  
engrossment of the following bill:

S. B. No. 476, A bill to be entitled  
"An Act making appropriations to  
pay miscellaneous claims against the  
State for the Prison System of the  
State of Texas, and authorizing pay-  
ment of said miscellaneous items on  
taking effect of this Act, and de-  
claring an emergency."

The bill was read second time  
and passed to engrossment.

On motion of Senator Pollard the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 476 was put  
on its third reading and final pas-  
sage, by the following vote:

#### Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

#### Nays—1.

McFarlane.

#### Absent—Excused.

Neal.

The bill was read third time and  
finally passed by the following vote:

#### Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Neal.

Pairs Recorded.

Senator McFarlane (present), who would vote no, with Senator Love (absent), who would vote yea.

**Message From the Governor.**

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Department,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Dear Governor Miller:

In accordance with House Concurrent Resolution No. 20, I am returning S. B. No. 37 for further consideration.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

The Chair announced that the signatures of the President of the Senate and the Speaker of the House had been removed from S. B. No. 37 and that the bill was now before the House for further consideration.

**Senate Bill No. 415.**

The Chair laid before the Senate, as special order S. B. No. 415.

The question recurred upon the motion to substitute S. B. No. 342 for S. B. No. 415.

Senator Moore moved the previous question on the motion. The previous question was lost by the following vote:

Yeas—12.

Beck.	Parrish.
Greer.	Patton.
Holbrook.	Small.
Hornsby.	Williamson.
Hyer.	Witt.
Moore.	Woodward.

Nays—16.

Berkeley.	Parr.
Cousins.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Martin.	Westbrook.
McFarlane.	Wirtz.
Miller.	Woodul.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Love, (present), who would vote yea with Senator Cunningham (absent), who would vote nay.

**Bills Signed.**

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 159.	S. B. No. 114.
S. B. No. 75.	S. B. No. 128.
S. B. No. 80.	S. B. No. 30.
S. B. No. 483.	S. B. No. 336.
S. B. No. 159.	

**S. J. R. No. 3.**

The Chair laid before the Senate, on third reading, the following resolution:

S. J. R. No. 3, Proposing to amend Section 5 of Article 4 of the Constitution of the State so as to provide that the Governor shall receive as compensation for his services an annual salary of twelve thousand (\$12,000.00) dollars, and no more, and providing for an election upon such proposed amendment and making an appropriation therefor.

The resolution was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bills Referred.**

H. B. No. 699, read and referred

to Committee on State Highways and Motor Traffic.

H. B. No. 137, read and referred to Committee on State Affairs.

H. B. No. 313, read and referred to Committee on State Affairs.

### Free Conference Report

Senator Williamson sent up the following Free Conference Committee report:

F. C. C. S. S. B. 49.

An Act to create the State Board of Pharmacy, providing for its appointment, terms and tenure of office and its members, defining its duties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas; defining the terms of pharmacists, pharmacy, and Board; providing penalties and repealing all existing laws in conflict herewith; and providing for exceptions from the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a Board to be known as the State Board of Pharmacy, consisting of six (6) members, to be appointed by the Governor, each of whom shall have been a registered pharmacist, under the provisions of the law, for a period of five (5) years next preceding the appointment, and shall at the time of his appointment be in good standing and engaged in retail pharmacy, and the majority of the board shall be graduates of a recognized college of pharmacy, and shall not be connected in any capacity with any school or college of pharmacy. The term of office of each member of said board shall be six years.

Sec. 2. In making the first appointment the Governor shall appoint two members of said board for two years, two for four years and two for six years, and thereafter the term of each member shall be six years so that the terms of two members shall expire every two years. Vacancies on the board shall be filled by the Governor for the unexpired term only.

Sec. 3. Each member of the Board shall be paid \$5.00 per day for each day he attends meetings of the Board, not to exceed five days for each thirty applicants or less examined at any regular session and not to exceed five days for a special session, and time going to and returning from meetings shall be included in computing said time, and in addition to said per diem each member shall receive expenses incurred while actually engaged in the performance of the duties of the Board. Appointees and the secretary to the Board shall within (30) days after their appointment take, subscribe and file with the Secretary of State the constitutional oath of office.

Sec. 4. Said Board within thirty (30) days after appointment shall meet and organize by electing a president and vice-president Treasurer from its membership, and a secretary who may or may not be a member of the Board, whose salary shall be fixed by the Board not to exceed \$300.00 per month. The secretary and Treasurer shall each be required to execute a bond in the sum of \$10,000.00 for the faithful performance of his duties, payable to the State of Texas. The Board shall have the power to make by-laws and regulations, not inconsistent with the law, for the proper performance of its duties and the duties of its officers and employees, and shall have the power to employ the necessary employees to carry out the provisions of this Act.

Sec. 5. The Board shall fix the standards for pharmaceutical registration, except as otherwise specified herein. The compensation of the members, officers and employees of the Board shall be paid out of funds procured under this Act, provided that the State of Texas shall never be liable for the salary or expense of any member of the Board, or its officers or employees, or any other expense thereof. The books and registers as made and kept by the secretary or under his supervision, subject to the direction of the Board, shall be prima facie evidence of the matter therein recorded in any judicial proceedings in this State.

Sec. 6. The State Board of Pharmacy shall hold regular meetings for the examination of applicants for registration and for the transaction

of such other business as may legally come before it twice a year, and may hold such additional special meetings as may be necessary, not to exceed four in any calendar year. The date and place of the regular meetings shall be designated at a regular session, and the additional meetings to be held at such places and on such dates as may be designated by the President of the Board. The members and officers, including the secretary of the Board, shall be empowered to administer oaths in connection with duties of the Board. The Board shall make annually to the Governor of the State a written report of its proceedings and an itemized account of its receipts and disbursements under this act; also the names of all pharmacists duly registered under this Act during the fiscal year for which the report is made; and the name of all pharmacists whose license or permits have been cancelled, with a memorandum of the grounds upon which such license was cancelled, during the fiscal year.

Sec. 7. It shall be the duty of the State Board of Pharmacy to see that all laws which pertain to the practice of pharmacy are enforced, and it shall be their duty to present to the prosecuting officers of the State all violations of the provisions of this law.

Sec. 8. It shall be unlawful for any person who is not a registered pharmacist under the provisions of this Act, or who is not under the direct supervision of one so registered to compound, mix or manufacture, or sell or distribute at retail to the consumer any drugs or medicines, except in original packages, provided that all persons now registered in this State as pharmacists shall have all the rights which are granted to pharmacists under this Act and provided further that nothing contained in this Act shall be construed to prevent the administration or compounding of drugs and medicines carried or kept by licensed physicians, dentists, veterinarians and chiropodists in order to supply the needs of their patients; not to prevent the sale of patent or proprietary medicines in original packages only and insecticides and fungicides, and harmless chemicals used in the arts, when properly labeled; not to prevent licensed physicians, dentists,

veterinarians and chiropodists from compounding, manufacturing and selling any medicines of their own formula.

Sec. 9. Every applicant for license as a registered pharmacist shall be not less than twenty-one years of age, of good moral character, and a graduate of a school or college of pharmacy recognized by the Board. Such applicant, in addition to the time required to graduate from school or college of pharmacy, and exclusive of the portion of the year spent in attendance at school or college, shall have had at least one year of practical experience in retail pharmacy under the direct supervision of a registered pharmacist, which experience shall be principally work directly related to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping of records and making reports required under the State and Federal statutes; and to obtain a license shall pass a theoretical and practical examination satisfactory to the Board of Pharmacy. Provided that the Board may at its discretion grant license as pharmacist to persons who furnish proof that they have been registered as such in some other State, and that they are of good moral character, provided such other State in its examination required the same general degree of fitness required by this State and grants the same reciprocal privileges to pharmacists of this State; and provided that exemption from the graduate in pharmacy requirement for entrance to examination for registration as pharmacist shall be allowed to persons who before this Act becomes effective have been employed for at least six months in a retail pharmacy under the supervision of a registered pharmacist, and who register with the Board for such examination within one year after this Act becomes effective and who, within not more than five years from date on which this Act becomes effective, produce satisfactory evidence to the Board of Pharmacy of having had four years of pharmaceutical training under the supervision of a registered pharmacist and shall successfully pass the examination required by the Board of Pharmacy.

Sec. 10. It shall be unlawful for any person to impersonate before



the Board an applicant applying for registration or license under this Act, or to fraudulently acquire a license in any other manner than provided for in this Act.

Sec. 11. Every applicant for examination for registration as pharmacist shall pay an examination fee of ten dollars (\$10.00); every applicant for reciprocal registration shall pay a registration fee of twenty-five dollars (\$25.00).

Sec. 12. The registration of any pharmacist shall be revoked by the Board after the registrant has been convicted of having violated any of the provisions of this law, or shall have been convicted of a felony, or shall have been convicted of drunkenness, or of any offense, in either State or Federal Court, involving the illegal use, sale or transportation of intoxicating liquor, or narcotic drugs. Revocation of registration shall only be after ten (10) day's notice and a full hearing. Any person feeling himself aggrieved on account of the action of the Board may institute proceedings in the District Court of Travis County, Texas, for the purpose of having the license reinstated.

Sec. 13. All certificates and current renewal receipts for pharmacists as herein provided shall be at all times conspicuously displayed in the place of business where registrant is engaged as such. Any certificate to practice pharmacy in Texas, which may be found displayed in any place of business where the person to whom said certificate was originally issued is not regularly employed as a pharmacist and actually engaged in the service of filling prescriptions may be cancelled by the Board, and any inspector, member or officer of the Board is hereby empowered to take charge of such certificate pending final hearing before the Board as to revocation of same.

Sec. 14. Every registered pharmacist who desires to continue the practice of pharmacy in this State shall annually, on or before the second day of January of each year, pay to the Secretary of the Board of Pharmacy a renewal fee of three dollars (\$3.00). If any person fails or neglects to procure his renewal registration before March first of

each year his name shall be erased from the register of licensed pharmacists and such person, in order to regain registration, shall be required to pay one annual renewal fee in addition to the sum of all fees such person may be in arrears. Provided, also, that the Board shall each year turn over to the State Pharmaceutical Association for the advancement of science and art of pharmacy, out of the annual fees collected by it, the sum of two dollars (\$2.00) for each pharmacist actively engaged and one dollar (\$1.00) for each pharmacist inactive engaged in pharmacy in this State. Provided further that a pharmacist not actively engaged in the practice of pharmacy in this State shall be issued a renewal certificate upon the payment of a fee of two dollars (\$2.00) annually or in lieu of such annual fee, said inactive pharmacist, after passing the age of 45 years at his option shall be issued a lifetime certificate upon the payment of fifteen dollars (\$15.00)

Sec. 15. In all stores in which a registered pharmacist is continuously employed, and where the provisions of this Act have been fully complied with, there shall be displayed in a prominent place in or on the front of said store the word "Pharmacy."

Sec. 16. It shall be unlawful for any person to display in or on any store or place of business the word "Pharmacy" either in the English or any foreign language, unless there is continuously employed therein a registered pharmacist under the provisions of this Act. The provisions of this Section shall not apply to towns or villages of a population of five hundred (500) inhabitants or less.

Sec. 17. Every person, firm or corporation desiring to continue operating a retail pharmacy in this State, as same is defined herein, and every manufacturer of drugs and medicines as defined herein, after the passage of this Act shall procure from the Board a permit for each store or factory to be operated, by making within six months application to the Board upon a form to be furnished by the Board, setting forth under oath ownership

and location, and the name, with the certificate number, of the pharmacist, registered in this State, or physician, dentist, veterinarian or chiropodist who is to be continuously employed in the pharmacy factory; this permit to be issued annually by the Board upon receipt of proper application accompanied by fee of two dollars (\$2.00); this permit to be displayed conspicuously at all times in the store or factory of original issue. Every person, firm or corporation desiring to open a new drug store or factory shall procure permit aforementioned before commencing business. Not more than one store or factory may be operated under one permit. In case of change of personnel of registered pharmacist the Board shall be notified of such change within ten days.

Sec. 18. Chapter 8 of Title 71 of the Revised Civil Statutes of 1925 and all other laws and parts of laws in conflict with this Act are hereby repealed, provided that nothing herein contained shall be construed to amend or repeal any Acts or sections of Acts which govern the manufacture, sale or distribution of narcotics or spirituous liquors.

Sec. 19. "Pharmacy" as used in this Act is any store or place where drugs or medicines are sold or furnished at retail to the consumer wherein a registered pharmacist is continuously employed.

Sec. 20. A "pharmacist" as used in this Act, means a person licensed by the State Board of Pharmacy, to prepare, compound and dispense physicians' prescriptions, drugs and medicines and poisons.

Sec. 21. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$25.00 or more than \$200.00, or imprisoned in the county jail for not less than ten nor more than sixty days, or shall be punished by both such fine and imprisonment; and each day of violation shall be construed to constitute a separate offense.

Sec. 22. Should any portion or section of this Act be declared unconstitutional, such decision shall affect that section or part of section only and shall not render invalid any of the remainder of the Act.

Sec. 23. The fact that the present pharmacy law has been enacted for more than twenty years and is now inadequate to meet the present conditions, and in order to better protect the health of the people creates an emergency and an imperative public necessity, requiring that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and adopted.

#### Recess.

Senator Love moved to recess until 8 o'clock tonight and at that time consider bills other than special orders. The motion prevailed.

At 5:20 o'clock p. m., the Senate recessed until 8:00 o'clock p. m.

#### After Recess.

The Senate met at 8:00 o'clock, pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### House Bill No. 222.

Senator Parr moved to reconsider the vote by which H. B. No. 222 was finally passed. The motion prevailed.

Senator Parr sent up the following amendment:

#### Amendment No. 1.

Amend H. B. No. 222 by striking out the amendment by Pope.

#### Amendment No. 2.

Amend by striking out the words "the district clerk and" in line 20, page 2.

The amendments were adopted by unanimous vote.

The bill as amended was passed finally by the following vote.

Yeas—24.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Parr.
Hardin.	Parrish.

Patton.	Thomason.
Pollard.	Williamson.
Small.	Witt.
Stevenson.	Woodward.

Absent.

Miller.	Westbrook.
Moore.	Wirtz.
Russek.	Woodul.

Absent—Excused.

Neal.

**House Bill No. 653.**

The Chair laid before the Senate the following bill:

By Mr. Finlay:

H. B. No. 653, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas, as passed by the regular session of the Thirty-ninth Legislature, as amended by Chapter 107 of the General Laws of the State of Texas, passed by the first called session of the Fortieth Legislature, in so far as such chapters apply to counties having a population of not less than 10,000 nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such acts in counties having a population as above stated; and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 653 was put on its second reading by the following vote:

Yeas—22.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodward.

Absent.

Miller.	Parrish.
Moore.	Patton.

Russek.	Wirtz.
Westbrook.	Woodul.

Absent—Excused.

Neal.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 653 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodward.

Absent.

Miller.	Russek.
Moore.	Westbrook.
Parrish.	Wirtz.
Patton.	Woodul.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—23.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Parr.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodward.
Love.	

Absent.

Miller.	Russek.
Moore.	Wirtz.
Parrish.	Woodul.
Patton.	

Absent—Excused.

Neal.

**Senate Bill No. 581.**

The Chair laid before the Senate the following bill:

S. B. No. 581, A bill to be entitled "An Act authorizing certain cities and counties to acquire and maintain and operate airports; limiting the amounts of land which may be acquired or held for such purpose; providing for the necessary funds for such purpose; etc., and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 581 was put on its second reading by the following vote:

**Yeas—24.**

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Woodward.

**Absent.**

Miller.	Russek.
Moore.	Witt.
Parrish.	Woodul.

**Absent—Excused.**

Neal.

The committee report carrying amendments was adopted.

The bill as amended was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 581 was put on its third reading and final passage, by the following vote:

**Yeas—24.**

Beck.	Greer.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.

McFarlane.  
Parr.  
Parrish.  
Pollard.  
Russek.  
Small.

Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Woodward.

**Absent.**

Hardin.  
Miller.  
Moore.

Patton.  
Witt.  
Woodul.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—23.**

Beck.	McFarlane.
Berkeley.	Parr.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Woodward.
Martin.	

**Absent.**

Hardin.  
Miller.  
Moore.  
Parrish.

Patton.  
Witt.  
Woodul.

**Absent—Excused.**

Neal.

**Senate Bill No. 465.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 465, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 465 was put on its third reading and final passage, by the following vote:

## Yeas—24.

Beck.	McFarlane.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodward.

## Absent.

Hardin.	Patton.
Miller.	Witt.
Moore.	Woodul.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—23.

Beck.	McFarlane.
Berkeley.	Parr.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Woodward.
Martin.	

## Absent.

Hardin.	Patton.
Miller.	Witt.
Moore.	Woodul.
Parrish.	

## Absent—Excused.

Neal.

## Senate Bill No. 508.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 508, A bill to be entitled "An Act fixing the compensation of district attorneys in districts of four or more counties and prescribing how the same shall be paid; and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 508 by striking out the word "four" in the caption and the bill and insert in lieu thereof the word "three."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 508 was put on its third reading and final passage, by the following vote:

## Yeas—24.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodward.

## Absent.

Hardin.	Moore.
Hyer.	Witt.
Miller.	Woodul.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—24.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodward.
Parr.	
DeBerry.	

## Absent.

Hardin.	Moore.
Hyer.	Witt.
Miller.	Woodul.

## Absent—Excused.

Neal.

Senator DeBerry moved to reconsider the vote by which the bill was

finally passed. The motion was lost. Senator DeBerry received unanimous consent to change his vote on the final passage of this bill from "yea" to "no."

#### Free Conference Granted.

The Senate voted to grant the request of the House for a Free Conference Committee on H. J. R. No. 7.

The Chair appointed the following members on the part of the Senate:

Senators Hornsby, Woodward, Small, Wirtz, and Parrish.

#### Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. No. 74.

The following are appointed on the part of the House:

Holder, Duvall, Chastain, Hardy, McCombs.

The House has refused to concur in Senate Amendments to H. J. R. No. 7 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House.

Petsch, Snelgrove, Veatch, Minor, Kemble.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 670, A bill to be entitled "An Act creating a more efficient road system for Nueces county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts."

H. B. No. 696, A bill to be entitled "An Act creating a more efficient road system for Bowie county, Texas."

By Mr. White:

H. B. No. 686, A bill to be entitled "An Act authorizing the commissioners' court of Hutchinson county to employ not more than two persons to be known as investigators to assist the district attorney in the investigation and prosecution of crime and in the discharge of his official duties; providing for their deputation, salaries and necessary expense and mode of discharge, and prescribing their duties."

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 394.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 394, A bill to be entitled "An Act to amend the Revised Civil Statutes of Texas, 1925, by adding thereto 26 new Articles to be numbered No. 3173-a, b, etc., said Articles providing special provisions in the election laws of the State of Texas relating to voting machines; providing for examination and approval of voting machines by the Secretary of State; setting out requirements of voting machines; providing for adoption of voting machines; mental use of voting machines; providing machines generally; providing voting machines in cities of more than 100,000 population, etc."

The committee amendment was adopted.

The bill as amended was read second time and passed to engrossment by the following vote:

#### Yeas—17.

Beck.	Pollard.
Berkeley.	Small.
Cousins.	Thomason.
Greer.	Westbrook.
Holbrook.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.
Patton.	

#### Nays—10.

Cunningham.	DeBerry.
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Gainer.	Parr.
Hornsby.	Parrish.
Martin.	Russek.
Miller.	Stevenson.

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

**Senate Bill No. 573.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 573, A bill to be entitled "An Act to amend Section 4, Chapter 61, Local and Special Laws of the State of Texas, passed at the first called session of the Thirty-seventh Legislature, defining the powers of the Board of Trustees of the Taft Independent School District, etc."

The rule requiring committee reports to lie over one day was suspended.

The Committee report was adopted.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 573 was put on its second reading by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill was read second time.

Senator Stevenson sent up the following amendment:

Amend S. B. No. 573 by adding

"and declaring an emergency" to the caption.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 573 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

**Senate Bill No. 315.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 315, A bill to be entitled "An Act fixing the compensation for the Assistant Adjutant General at three thousand dollars annually, payable monthly; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 315 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodward.

Nays—1.

McFarlane.

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—24.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
Miller.	Witt.
Parr.	Woodward.

Nays—3.

Cunningham.	McFarlane.
DeBerry.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

**Senate Bill No. 468.**

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 468, A bill to be entitled "An Act fixing, in counties having a population of more than 100,000 and less than 150,000 and containing a city of more than 75,000 population, the compensation of and providing for the appointment of assistant county attorneys, and prescribing their qualifications, and providing for the appointment of a stenographer and providing for their salaries and the manner of the payment of the same, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 468 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:



## Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

## Senate Bill No. 511.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 511, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the Fifth Senatorial District of Texas, etc., and declaring an emergency."

The bill was read second time.

Senator Westbrook sent up the following amendments:

Amend S. B. No. 511 on page 738 of the Senate Journal of Feb. 14, 1929, by striking out the word fifth in the caption and inserting in lieu thereof the word ninth.

The amendment was read and adopted.

Amend Section 1, of said Bill on page 739 of said Senate Journal by striking out the word fifth in Section 1 and inserting in lieu thereof the word ninth.

The amendment was read and adopted.

Amend Section 2 of said Bill on page 739 of said Senate Journal by striking out the word fifth and inserting in lieu thereof the word ninth and by adding a period after the word Texas in said Section 2 and striking out all after the word Texas down to and including the word serve.

The amendment was read and adopted.

28—Jour.

Amend said Bill by striking out the word fifth in Section 4 in page 739 and by inserting in lieu thereof, the word ninth.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 511 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

The bill, as amended, was read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

## Nays—1.

DeBerry.

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

## Senate Bill No. 505.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 505, A bill to be entitled "An Act to amend Article 4799, Title 78, Chapter 6 of the Revised Statutes of 1925, by increasing the burial fund from One Hundred Dollars to Five Hundred Dollars, and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 505 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.

Westbrook.
Williamson.
Wirtz.

Witt.
Woodward.

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

## House Bills Referred.

H. B. No. 696 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 607 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 686 read and referred to Committee on State Highways and Motor Traffic.

## Senate Bill No. 227.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 227, A bill to be entitled "An Act to safeguard life, health and property, and the public welfare, and to protect the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for their appointment; fixing the terms of office of the members of said Board; providing for the appointment of their successors and for filling vacancies occurring in the membership of said Board; fixing the qualifications of the members of said Board of Architectural Examiners, etc., and declaring an emergency."

The bill was read third time.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 227 by adding at the end of Section 6 of the printed bill the following:

"Provided, however, that persons who have graduated from an architectural course in any approved Texas school, or who, prior to 1919, were members of the senior class in architecture in any accredited Texas school and who entered the service of the United States during the World War and who but for entering said service would have graduated in architecture, shall be ex-

empt from the examination provided for herein."

## WIRTZ

The amendment was read and adopted unanimously.

The bill as amended was finally passed.

## Senate Bill No. 440.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 440, A bill to be entitled "An Act amending Section 1 of Chapter 218 of the general and special laws of the Regular session of the Fortieth Legislature so as to permit blue uniforms in addition to dark grey to be worn by officers making arrests for violations of the laws of this State relating to the speed of motor vehicles; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days, was suspended and S. B. No. 440 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Cousins.
Berkeley.	Cunningham.

Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Parr.	Witt.
Parrish.	Woodward.

## Nays—1.

DeBerry.

## Absent.

Hardin.	Woodul.
Moore.	

## Absent—Excused.

Neal.

## Senate Bill No. 404.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 404, A bill to be entitled "An Act to amend Chapter 402 Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, same being a special road law for Limestone County, Texas, by adding thereto Section 4-A authorizing the commissioners' court of Limestone County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 404 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parr.
Greer.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodward.
Westbrook.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

**Senate Bill No. 520.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 520, A bill to be entitled "An Act regulating commercial colleges; requiring commercial colleges that may hereafter be organized in Texas to comply with their contracts with the students who matriculate with them for the purpose of taking commercial courses in accounting, stenography, telegraphy, typing, and other branches generally included in the curriculum of such colleges, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills

to be read on three several days was suspended and S. B. No. 520 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

**Senate Bill No. 96.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 96, A bill to be entitled "An Act repealing Articles 4027,

4036, 4037, 4039, 4040, 4041 of the Revised Civil Statutes of 1925, and amending Article 4035 of the Revised Civil Statutes of 1925 and Article 960 of the Penal Code of the State of Texas; providing for the lease of oyster reefs or bottoms of the public waters of the State of Texas to citizens of the United States or domestic corporations for the purpose of cultivating oysters; and declaring an emergency."

The committee amendments were adopted.

The bill as amended was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 96 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Parr.	

Nays—2.

Cousins.	Martin.
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Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

The bill as amended was read third time.

On motion of Senator Martin, the bill was laid on the table subject to call.

#### Senate Bill No. 357.

Senator Miller moved to lay S. B. No. 357 on the table subject to call. The motion prevailed by the following vote:

Yeas—19.

Beck.	Greer.
Berkeley.	Hyer.
Cousins.	Martin.
DeBerry.	McFarlane.

Miller.	Thomason.
Parr.	Westbrook.
Patton.	Wirtz.
Pollard.	Witt.
Russek.	Woodward.
Stevenson.	

Nays—6.

Gainer.	Parrish.
Hornsby.	Small.
Love.	Williamson.

Absent.

Cunningham.	Moore.
Hardin.	Woodul.
Holbrook.	

Absent—Excused.

Neal.

#### Senate Bill No. 335.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 335, A bill to be entitled "An Act to permit voting in any election by heads of State departments, United States Senators and Congressmen from Texas, and persons in the diplomatic and consular service of the United States temporarily absent; fixing the place of their residences, and providing for the procuring by such persons of poll tax or exemption receipts in person or in writing containing certain information and stating that the person owing such poll tax or claiming exemption is unable, on account of absence in official duties, to apply for the same in person, and for the deposits of such authority with the tax collector to be filed and preserved by him; providing for absentee voting by such persons under Article 2956, Title 5, and declaring an emergency."

The bill passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 335 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Greer.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.

McFarlane.	Stevenson.
Miller.	Thomason.
Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	Witt.
Russek.	Woodward.
Small.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

#### Bills Signed.

The Chair, Lieut. Gov. Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills: Senate Bills Nos. 306, 51 and 266, and Free Conference Committee substitute on Senate Bill No. 49.

#### Senate Bill No. 454.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 454, A bill to be entitled "An Act authorizing the State Highway Department of the State of Texas to audit the fees collected by tax collectors for the registration of

motor vehicles, tractors, trailers, semi-trailers, or other vehicles or for the transfer thereof, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 454 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Miller.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

Nays—1.

Parr.

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

Read third time and finally passed.

#### Senate Bill No. 408.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 408, A bill to be entitled "An Act to amend Section 10, Article 4331, Chapter 1, Title 70 of the 1925 Revised Civil Statutes of the State of Texas, providing that the Secretary of State shall distribute judicial reports to the Supreme Court library, and to State institutions of higher learning giving law and pre-law courses, and declaring an emergency."

Read second time.

Senator Parrish sent up the following amendment:

Amend caption of S. B. No. 408 by adding, "and declaring an emergency."

PARRISH.

**Read and adopted.**

The bill as amended passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 408 was put on its third reading and final passage, by the following vote:

**Yeas—27.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

**Absent.**

Hardin.	Woodul.
Moore.	

**Absent—Excused.**

Neal.

Read third time and finally passed.

**Senate Bill No. 479.**

The Chair laid before the Senate on its third reading the following bill:

S. B. No. 479, A bill to be entitled "An Act to amend Article 5053, Revised Statutes, 1925, relating to discrimination and other practices in connection with the sale of life insurance policies, so as to better regulate the sale of stocks, bonds and other securities in connection with life insurance policies, and declaring an emergency."

Read third time and finally passed.

**Motion to Concur.**

On motion of Senator Love, the Senate voted to concur in the House amendments to S. B. No. 26 by the following vote:

**Yeas—26.**

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hornsby.

Hyer.	Russek.
Love.	Small.
Martin.	Stevenson.
McFarlane.	Thomason.
Miller.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodward.

**Nays—1.**

DeBerry.

**Absent.**

Hardin.	Woodul.
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Moore.

**Absent—Excused.**

Neal.

**Free Conference Committee Report**

Senator Woodward sent up the following Free Conference Committee Report:

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed by your respective bodies to consider the amendments of the House to S. B. No. 36, have had the same under consideration and have adjusted the differences, and beg to report thereon as follows:

That in lieu of the amendment by Woodall, and in lieu of the amendment by Hopkins, and in lieu of the amendment by Justiss, and in lieu of the amendment by Johnson of Dimmit, and in lieu of Committee Amendment No. 2, the following amendment be adopted, to-wit:

Amend S. B. No. 36, line 29, by striking out the word "two" at the end of said line and inserting in lieu thereof the word "three," and amend in line 31 after the words "court at law" by striking out the word "or" and inserting the following words: "and two dollars and fifty cents shall be paid by the county."

Respectfully submitted.

WOODWARD,  
MILLER,  
MARTIN,

On the Part of the Senate.

KENNEDY,  
WOODALL,  
JUSTISS,  
BRADLEY,  
JOHNSON

of Dimmit,

On the Part of the House.

Read and adopted by the following vote:

## Yeas—26.

Beck.	Miller.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

## Nays—1.

Small.

## Absent.

Hardin. Woodul.  
Moore.

## Absent—Excused.

Neal.

## Motion to Concur.

Senator Love moved to concur in the House amendments to S. B. No. 54. The motion was laid on the table subject to call.

## Senate Bill No. 549.

The Chair laid before the Senate the following bill:

S. B. No. 549, A bill to be entitled "An Act creating a more efficient road system for Zapata County, Texas; providing that the County Commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said County under the direction of the Commisisoners' Court, etc.; and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 549 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

## Absent.

Hardin. Woodul.  
Moore.

## Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

## Absent.

Hardin. Woodul.  
Moore.

## Absent—Excused.

Neal.

## Senate Bill No. 572.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 572, A bill to be entitled "An Act to authorize the Governor to deposit certain funds held by him as Trustee for the National Guard of Texas with the State Treasurer, and authorizing the expenditure of such fund by the Adjutant General



and authorizing the issuance of warrants against said fund, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three days was suspended and S. B. No. 572 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

#### Senate Bill No. 401.

The Chair laid before the senate on its second reading the following bill:

S. B. No. 401, A bill to be entitled "An Act amending Article 3353 of the Revised Civil Statutes of 1925, so as to require persons to be bona fide residents of this State in order to be qualified to have letters testamentary or of administration granted to them, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 401 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin.	Woodul.
Moore.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Hardin. Woodul.  
Moore.

Absent—Excused.

Neal.

### Adjournment.

On motion of Senator Woodward,  
the Senate, at 10:25 o'clock p. m.,  
adjourned until 10 o'clock Friday  
morning.

### APPENDIX.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 227  
carefully examined and compared,  
and find the same correctly en-  
grossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 434  
carefully examined and compared,  
and find the same correctly en-  
grossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. J. R. No.  
3 carefully examined and com-  
pared, and find the same correctly  
engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 477  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 318  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 485  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 482  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 364  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 529  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 86  
carefully examined and compared,  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 380 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 536 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 376 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 390 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 481 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 527 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 524 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 324 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 569 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 479 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 446 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 349 carefully examined and compared, and find the same correctly en-grossed.

WESTBROOK, Chairman.

#### Committee Reports

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Min-ing, Irrigation and Drainage, to whom was referred

H. B. No. 458, A bill to be entitled "An Act to create La Feria Water Control and Improvement District, Cameron County Number Three (3) in Cameron County, Texas, validating and approving all orders made by the Commissioners' Court of said county in respect to the original organization of said district as a Water Improvement District under Article 3, Section 52 of the Constitution; validating and approving all orders made by the Board of Directors of said district converting said district to a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of General Ad Valorem taxes on all taxable property in said district, approving and validating all orders of the Commissioners' Court of said County and of the Board of Directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of Constitutional Notice required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Min-ing, Irrigation and Drainage, to whom was referred

H. B. No. 455, A bill to be entitled "An Act to create La Salle County Water Improvement District No. 1, embracing lands in the County of La Salle, in the State of Texas, as a Water Improvement District and Body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; validating and approving all orders made by the Board of Directors, and other authorities, in respect of the establishment or organization of said district, as well as all proceedings had in respect of the election and appointment of officers therefor; validating and approving all orders made by the Board of Directors of said district in respect to any other matter or subject pertinent to the creation, establishment and organization of said district; validating the authorization and voting of certain improvement bonds thereof and taxes authorized for their payment, and providing for the issuance of said bonds and for their payment by the annual levy, assessment and collection of taxes upon all taxable property in said district; validating and approving notices, reports, orders and decrees of the Board by Directors and other proper officials, and official boards and courts in respect of said district, bonds and taxes, or certified copies thereof, and constituting such orders, reports, notices and decrees legal evidence; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State

Highways and Motor Vehicles to whom was referred

S. B. No. 548, A bill to be entitled "An Act creating a more efficient road system for McMullen County Texas; providing that the County Commissioners shall co-operate with the State Highway Department in the establishment, construction and maintenance of designated State Highways, to be paid for partly by the County and partly by the State or Federal government; authorizing the Commissioners Court of McMullen County to issue bonds of said County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof providing that this Act shall be cumulative of all road laws of said county and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Highways and Motor Vehicles to whom was referred

S. B. No. 549, A bill to be entitled "An Act creating a more efficient road system for Zapata County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges, and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Zapata County to issue bonds of said County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

We, your committee on State Affairs, to whom was referred

H. B. No. 251, A bill to be entitled "An Act to amend Article 941a, of the Penal Code, of Texas, of 1925, so as to cover Dimmit, Zavala, Medina, Uvalde, Dewitt, Brown, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Cooke, Denton, Jefferson, Orange, Mitchell, Fisher, Nolan, Chambers, Travis, Hardin, and Fannin Counties and permit the taking or catching of suckers, buffalo, carp, shad and gar at any time in any fresh water, rivers, creeks, or lakes in the counties of Burnet, Williamson and Lampasas, Dimmit, Zavala, Medina, Uvalde, DeWitt, Brown, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Cooke, Denton, Jefferson, Orange, Mitchell, Fisher, Nolan, Chambers, Travis, Hardin, and Fannin with a seine or net with not less than a four inch size mesh and providing that catfish, crappie, perch, bass and other kind of fish, if any, caught in such seine or net shall be immediately released in the waters where caught and that the owner or one in possession of said seine or net shall, within five days from and after the using of same, make a report under oath to the Game, Fish and Oyster Commissioner, reporting the name of each and every person in the party and showing in said report that all fish not permitted to be caught or taken were released as aforesaid, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee, Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Towns and City Corporations, to whom was referred.

S. B. No. 581, A bill to be entitled "An Act authorizing certain cities and counties to acquire and maintain and operate air ports; limiting the amounts of land which may be acquired or held for such purpose; providing for the necessary funds for such purpose; providing regulations for the operation, maintenance and support of such air ports; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, maintenance, and operation of said air ports; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, with following amendment:

Amend Senate Bill 581 by adding at the end of Section 1 of the Bill the following:

The word "county" wherever it appears in the bill shall be construed to mean "all counties in the State having a population of less than one hundred thousand inhabitants according to the 1920 United States census, and having a city located within said county with a population of more than forty-three thousand inhabitants, according to the 1920 United States census."

The word "city" wherever it occurs in the bill shall be construed to mean "every city in the State having a population of more than forty-three thousand according to the 1920 United States Census and located in a county having less than one hundred thousand inhabitants according to the 1920 United States Census."

BERKELEY, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 573, A bill to be entitled "An Act to amend Section 4, Chapter 61, Local and Special Laws of the State of Texas, passed at the first called session of the Thirty-seventh Legislature, defining the powers of the Board of Trustees of the Taft Independent School District, and the manner in which such

taxes as may be necessary for the maintenance of its schools, for the purchase of building sites, erection and repair of buildings, and for paying interest and providing a sinking fund on the bonds for which said district may be liable, shall be assessed and collected so as to provide that the Board of Trustees of said district shall have the power to appoint an assessor and collector of taxes for said district and a board of equalization therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 580, A bill to be entitled "An Act creating Brownsville Navigation District of Cameron County, Texas, to be governed by the provisions of Section 59, Article 16 of the Constitution, and by Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its regular session in 1925, relating to Navigation Districts, except as herein otherwise provided, and defining its boundaries; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Mining, Irrigation, and Drainage, to whom was referred

H. B. 263, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas as passed by the Regular Session of the 39th Legislature as amended by Chapter 107 of the General Laws of the State of Texas, passed by the First Called Session of the 40th Legislature insofar as such Chap-

ters apply to counties having a population of not less than 10,000 nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such Acts in counties having a population as above stated, and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, but be not printed, being a local bill.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 24, A joint resolution "Proposing an amendment to Article 8 of the Constitution of the State of Texas by adding thereto Section 20, providing that all property of the American Legion from which no profits, rents, or revenues are derived by said Legion is exempt from all taxation in this State; providing for an election on said amendment and making an appropriation for same."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass but be not printed.

HORNSBY, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 560, A bill to be entitled "An Act amending Chapter 135 of the Acts of the Thirty-ninth Legislature, Regular Session, being S. B. No. 35, relating to the salaries of County Commissioners of Jasper County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 572, A bill to be entitled "An Act to authorize the Governor to deposit certain funds held by him as Trustee for the National Guard of Texas with the State Treasurer, and authorizing the expenditure of such fund by the Adjutant General and authorizing the issuance of warrants against said fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate,

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 25 A Joint Resolution "Proposing an amendment to the Constitution of Texas providing that the State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only; providing for an election to be held on said amendment; and making an appropriation to pay the expense of issuing the proclamation and holding said election."

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass, and be printed in Journal.

HORNSBY, Chairman.

By Love.

S. J. R. No. 25.

Proposing an amendment to the Constitution of Texas providing that the State may collect license fees on Motor Vehicles operated for hire or tolls, but license fees on Motor Vehicles not operated for hire or tolls may be levied for county and district road purposes only; providing for an election to be held on said amendment; and

making an appropriation to pay the expense of issuing the proclamation and holding said election. Be it Resolved by the Legislature of the State of Texas:

Section 1. That the Constitution of the State of Texas be amended by inserting as a part of Article 8 a new Section to be numbered Section 4(a), which Section shall read as follows:

Section 4(a). The State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only.

Sec. 2. Said proposed constitutional amendment shall be submitted to the voters of this State qualified to vote on constitutional amendments at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D., 1930, at which election every voter desiring to vote against said constitutional amendment shall scratch out with pen or pencil the following words which shall be printed on the ballot: "For the amendment to the State Constitution providing that the State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only. And every voter desiring to vote for said proposed amendment shall scratch out with pen or pencil the following words, which shall be printed on the ballot: "Against the amendment to the State Constitution providing that the State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only."

Sec. 3. The Governor shall issue the proclamation for said election and have the same held under the Constitution and laws of this State relating to such election. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury for publishing said proclamation and holding said election.

Committee Room,  
Austin, Texas, Feb. 21, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 578, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas and Oklahoma, executed on the 31st day of December, 1926 by the Commissioners of said States, which ratification and adoption is made subject to certain conditions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal only.

STEVENSON, Chairman.

By Small.

S. B. No. 578.

#### A BILL

#### To Be Entitled

An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas, and Oklahoma, executed on the 31st day of December, 1926, by the Commissioners of said States, which ratification is made subject to certain conditions and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas does hereby ratify, approve and adopt in principle, subject to the conditions hereinafter expressed in Section 2, of this Act, the Canadian River Compact between the States of New Mexico, Texas and Oklahoma, executed on the 31st day of December, 1926, by the Commissioners of said States, which Compact is as follows:

#### COMPACT

Agreed upon between the Commissioners representing the States of New Mexico, Texas, Oklahoma and Arkansas for control of the Canadian River Unit in the interstate control of the Arkansas River System.

The States of New Mexico, Texas, Oklahoma and Arkansas, desiring to enter into a compact for the control



of the waters flowing from the Canadian River, and subject to the approval of the Legislature of their respective States and of the Congress of the United States of America, have through the Commissioners acting for their several states, to-wit:

For New Mexico: Mr. R. J. Freeland, Mr. James L. Briscoe, and Mr. H. B. Jones;

For Oklahoma: Mr. E. E. Blake, Mr. T. C. Harrill, and Mr. George Kenneck.

For Texas: Mr. A. S. Stinnett, agreed to the following articles of compact:

#### Article 1.

(a) The major purpose of this compact is to provide for the control of the flood waters of the Canadian River, otherwise known as the South Canadian River, and the equitable division and apportionment of the use of the water, of said River System impounded hereunder, so far as may be, and the equitable apportionment of the cost of control of said river, according to the benefits received from the control of said river, and the use of the waters thereof; to establish the relative importance of different beneficial uses of water; to promote interstate comity, friendly relations and mutual and common development, and to secure expeditious protection from said river and the expeditious agricultural and industrial development of the Canadian River Basin; the storage and use of its waters and the protection of life and property from flood.

To these ends, the Canadian River Basin is divided into districts, according to the area thereof in each State, and an apportionment of the cost of control, and of the use of the allotted part of the waters of said river is made to each of them, with provisions that further and later equitable apportionment may be made as the project is developed to further the purpose of control, and use of said stream. With the purpose and hope that the States of Kansas, Colorado, Louisiana, and Mississippi may join in this compact for the purpose of control of the Arkansas River System.

#### Article II.

As used in this compact,

(a) The term "Canadian River System" means that portion of the Canadian River, and its tributaries, below the points of impoundage in New Mexico, within the States of New Mexico, Texas, Oklahoma, and that part of the Arkansas River and its tributaries, within the States of Oklahoma and Arkansas. Provided, that Texas, or Oklahoma, or Arkansas, may, in its approval hereof, exclude any tributary within the compact as to the remainder.

(b) The term "Canadian River Basin" means all of the drainage area of the Canadian River System, as herein defined as approved.

(c) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electric power.

(d) The word "Commission" wherever used in this compact, shall mean the Commissioner of the respective signatory States provided for in Article XI.

#### Article III.

(a) The division and allocation of the impounded waters of the Canadian River between the States of New Mexico and Texas, reserved for irrigation under the provisions of this compact, shall be made by the joint commission hereby created, in accordance with the facts ascertained by a complete and thorough investigation, and the recognized irrigation practices.

(b) Recognizing that the major portion of the flood waters of said stream rise in the States of New Mexico and Texas, the States of New Mexico and Texas pledge themselves not to cause the flow of impounded water of the river allotted to any State hereby to be diminished within said States of Texas or New Mexico, to the detriment of any State lower on the stream, against the wish and will of said State as expressed by its Commissions now or hereafter appointed.

(c) Either, or any, and each of said States, wherein control reservoirs may be hereunder located, shall not withhold water in flood control reservoirs in such quanti-

ties as shall reduce the then future capacity and contents of the reservoirs hereunder constructed below the necessary flood control capacity of maximum flood flow to be expected at the point or points of reservoir, or diversion, that is, below any flood requirement, as estimated by the joint commission executing this agreement, or subsequently administering the stream system, and its control under this agreement; or so as to vary the ratio or proportion of water allotted to each State, and desired therein, for beneficial use in the lower districts of the stream. No State lower on the stream shall require the delivery of water by a higher State, held within reserve, as defined in Article V, which cannot be reasonably applied to domestic and agricultural uses in the lower State. That the constructed works for the beneficial use of the waters in the Signatory States (and the districts therein) shall be designed, and constructed to carry water to the lower States and districts wherever practical, and shall be, and may be used, by the lower States therefore to such extent within their capacity as may be practicable; the extra cost of such construction over local necessities, if any, to be determined and fixed by the Commissions in charge and, if accepted, such extra cost shall be assumed by such lower district; and each signatory State shall provide right-of-way within its boundaries, and exercise right of eminent domain within its boundaries, for the acquisition of right-of-way necessary to carry waters from reservoirs or canals within its boundaries to the border of the lower State, or States requiring such exercise.

(d) Further equitable apportionment of the beneficial use of the waters of the said Canadian River System, if it shall appear that flow apportionment is not hereby equitably made, may be made the joint action of the Commissions from the Signatory States at any time after five years from the completion of the control works of said river, if, as, and when, the effect of said works shall be established by five years' experience.

#### Article IV.

(a) Subject to the provision of

this compact, water of the Canadian River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural purposes and shall not interfere with or prevent use for such dominant purposes.

(b) The provisions of this Article shall not apply to, or interfere with, the regulation and control by any State, within its boundaries, of the appropriation, use and distribution of impounded water allotted to and apportioned hereunder to such State.

#### Article V.

(a) To accomplish the purposes herein expressed, the Signatory States agree that there shall be constructed in the Canadian River System, at sites to be selected on the stem of the Canadian River, and on Ute Creek and on Pajarita Creek, within the State of New Mexico, reservoirs and control works, all of detail, specifications, design and construction satisfactory to the Commissions of the Signatory States, of such aggregate capacity to hold in reserve at all times sufficient of the waters of said stream system to adequately irrigate and reclaim the irrigable lands in the Signatory States subject to irrigation not exceeding 850,000 acre feet of water; and such additional capacity for flood restraint as may be the Commissions of the lower States be deemed adequate to restrain and control the flood of said stream system, to accomplish the purpose of the lower sections, herein expressed.

(b) The provisions for the control of said Canadian River System herein expressed, shall not be exclusive, but other reservoirs may be constructed at other places, if, in the judgment of the Commissions of the several signatory States, the same are deemed necessary.

(c) The plan for the control and administration of the Canadian River System outlined in this compact, with such modifications and amendments as may be hereafter adopted and approved by the Commissions of the Signatory States, is hereby approved by the legislatures of the Signatory States as a plan for controlling waters of the Cana-

dian River System, and for the improvement of said Canadian River System and its tributaries, and for the benefit, improvement, reclamation and protection of lands in said River Basin that are susceptible of irrigation, reclamation or flood protection, from said river and its said tributaries.

#### Article VI.

Should any claim or controversy arise between any two or more of the signatory states: (a) with respect to the waters of the Canadian River System not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any Article of this compact, or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Canadian River Basin to be situated in two or more States or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State, the Commissions of the States affected, upon request of one of them, shall have the authority to adjust such claim or controversy.

#### Article VII.

Nothing in this compact shall be construed as affecting the obligation of the United States of America to Indian Tribes.

#### Article VIII.

Present perfected vested rights, if any exist, to the beneficial use of the waters of the Canadian River System within the scope of this agreement are unimpaired by this compact. Whenever storage capacity shall have been provided for the flow of the Canadian River, or any of its tributaries whereon perfected rights exist, below such storage, then claims of such rights below such storage capacity, if any there be, by the appropriators or users of water below such storage, if any there be, shall attach to such stored water to such extent as the right exists, as may be determined by the laws of the States justly, and in accordance with the laws of the

State within which said alleged right is situated; and shall be satisfied from water that may be stored not in conflict with Article III, hereof, but out of the proportion of the water allocated to the State in which the present right exists; and all rights to the beneficial use of the water of the Canadian River System hereafter established under the laws of any State shall be satisfied solely from the proportion of the water apportioned to that State in which such rights are claimed and allowed.

#### Article IX.

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right in any State, or in any of its citizens, arising under this compact, or for the enforcement of any of its provisions, but on the contrary, this compact shall constitute an agreement waiving any question of the right by one State to have judicial remedy against another State, or its citizens, or inhabitants, or any State's citizens, arising hereunder.

#### ARTICLE X.

There is hereby created and established, a conservancy district within each of the States signatory hereto and ratifying this compact, constituted of this part of the drainage basin of the Canadian River System in any of said States; but no charge shall be placed against any state or item of property, right, privilege, franchise, or immunity of any person, corporation or municipality in said district in any of said States unless there is benefit to such charge state, item of property, person, corporation or municipality; and then never in excess of the benefit lawfully determined by the Commissions acting jointly to be enjoyed by such state, item of property, person, corporation or municipality, right, privilege, franchise or immunity provided that any portion of the water allotted to use in any of said States may be used outside of the district by the consent of the district; and upon such terms of use and compensation

to said district as may be determined by the constituted authorities of such district; and further provided that the initial control of said stream system and the means of impounding and of control thereof shall remain in the joint action of the Commissions from the signatory states.

(b) That when the Commissions from the signatory states, acting jointly, shall have determined and approved the means of control of said river, they shall then and thereupon justly determine, allot, allocate to the district of each State, a just and equitable proportion, or ratio, of the total cost of the work of control as estimated, exclusive of the cost of application to beneficial use, which ratio of cost shall be the same as the ratio of benefit, as determined by said Commission, to and in each district. But the portion of cost and of benefits allotted to each district shall require the approval of the Commissions of each State, but when agreed to and assumed, the administration of the district, the distribution, assessment and collection of such portion of the cost of impounding and control as assumed by said District, shall be had in conformity with the laws, uses and practices now established, or to be hereafter established, within such State for the administration of conservancy or improvement districts, not inconsistent with the provisions of this compact.

(c) The expenditures of the funds required for the construction, maintenance, repair and administration of the control works shall be under the control of the joint Commission of the Signatory States, who shall have power to advertise for bids for such work and enter into contracts for same, and all funds raised by the several districts to meet their part of the total costs of construction, maintenance, repair and administration of such control works as allocated to said districts, shall be disbursed upon the warrants of the joint commission under such rules and regulations as it may adopt.

(d) That all the resources of such of said districts in each of said States resulting from the assessments of benefits within said

State, shall be, and are hereby, dedicated to the discharge and payment of that part of the cost of control of said river assumed within said State, and no other state or district shall be holden thereof, and each signatory State pledges its faith and credit to so administer said district hereby created in such states, and each said State, to be so administered, as to discharge that part of the cost allotted to, and assessed to, and assumed by the district in such State.

(e) That the Commissioner of each state having a district therein, hereby created in each State signatory hereto, shall have absolute control of the time, rate and amount of the release of that proportion of the impounded waters allotted to and belonging to the district within that State; such control to be voiced and expressed by the Commissioners of the State in which such district is situated, and the faith and credit of each signatory State is hereby pledged to the fulfillment, and to the delivery of such impounded water on demand, but the distribution and use of the waters allotted to each State and the district within each State, shall be exclusively within the control of the constituted authority of such state, and such use shall never be curtailed or impaired by any state to the detriment of any person assessed for benefit by the construction of such control works.

#### ARTICLE XI.

That the Governors of each Signatory State shall appoint some competent person as the Commissioner of said State, to represent such State and district in all matters under this compact with compensation to be fixed by the district he represents, and official expenditures, chargeable as administration expenses.

The term of office of such Commissioner shall be six years, unless sooner removed for cause by authority of the State he represents.

#### ARTICLE XII.

This compact may be terminated at any time, by unanimous agreement of the Signatory States, expressed by their legislatures. In the event of such termination, all rights

established under it shall continue unimpaired.

#### ARTICLE XIII.

This compact shall become binding and obligatory upon the signatory States the legislatures of which shall have approved the same, when such legislatures have approved the same and such compact shall have been approved by the Congress of the United States. Notice of Approval by the Legislatures shall be given by the Governor of each Signatory State to the Governors of the other Signatory States, and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the Signatory States of approval by the Congress of the United States.

#### ARTICLE XIV.

This compact is executed, an original for each Signatory State, and one for the United States of America, and an original shall be deposited in the archives of the Department of the State of the United States of America and one in the archives of the Department of State of each Signatory State which shall approve and adopt the same, and copies thereof duly authenticated by the authority of any adopting State, or of the United States, shall be received in evidence in all courts of adopting states, and of the United States.

Executed this Thirty-first day of December A. D., One Thousand Nine Hundred Twenty-Six.

Jones, Freeland, Briscoe, Stinnet, Blake, Harrill, Kenneck.

Sec. 2. It is expressly provided that the Compact above mentioned in Section 1 of this Act is adopted subject to the following expressed conditions:

1. That the State of Texas, in co-operation with the Signatory States, and, as the case may be, with other States and the Federal Government, shall investigate the feasibility, practicability, and utility of the project provided for in said compact;

2. That, if such investigation should disclose the feasibility, practicability, and utility of said project, then a supplemental compact shall

be entered into by the State at interest or the States and Federal Government, as the case may be, embodying a fair and equitable allocation between the several signatory parties of the costs and benefits under the project.

Sec. 3. The importance of this Act creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said Rule is hereby suspended, and it is so enacted.

#### THIRTY-FIFTH DAY.

Senate Chamber,

Austin, Texas, Feb. 22, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petition and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.